

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER PARTNERS II LLC,

Plaintiff and Counterclaim-Defendant,

v.

CELLCO PARTNERSHIP, D/B/A VERIZON
WIRELESS, AND VERIZON CORPORATE
SERVICES GROUP INC.,

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:24-cv-00007-JRG-RSP

JURY DEMANDED

HEADWATER’S ANSWER TO VERIZON’S COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant Headwater Partners II LLC (“Headwater”) hereby answers Defendants and Counterclaimant-Plaintiffs’ Cellco Partnership, d/b/a Verizon Wireless, and Verizon Corporate Services Group Inc. (collectively, “Verizon” or “Defendants and Counterclaim-Plaintiffs”), counterclaims as follows:

NATURE OF THE ACTION

1. Headwater admits that it has sued Verizon for infringement of the ’868 Patent, and ’502 Patent and that there is a substantial, actual, and continuing controversy between Headwater and Verizon as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 1.

THE PARTIES

2. Admitted.

3. Admitted.

4. Admitted that Headwater Partners II LLC is a Texas limited liability company with

its headquarters at 110 North College Avenue, Suite 1116, Tyler, Texas 75702.

JURISDICTION AND VENUE

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Headwater admits that it has sued Verizon for infringement of the '868 Patent, and '502 Patent and that there is a substantial, actual, and continuing controversy between Headwater and Verizon as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 9.

FIRST COUNTERCLAIM – NON-INFRINGEMENT

10. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

11. Denied.

12. Denied.

13. Headwater admits that it has sued Verizon for infringement of the '868 Patent, and '502 Patent and that there is a substantial, actual, and continuing controversy between Headwater and Verizon as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 13.

14. Denied.

SECOND COUNTERCLAIM – INVALIDITY

15. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

PRAYER FOR RELIEF

In response to Verizon's prayer for relief, Headwater denies that Verizon is entitled to any relief, including any of the relief requested in paragraphs 1–5 of Verizon's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

a. A judgment in favor of Headwater that Verizon has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the '868 Patent and the '502 Patent;

b. A permanent injunction prohibiting Verizon from further acts of infringement of the '868 Patent and the '502 Patent;

c. A judgment and order requiring Verizon to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for Verizon's infringement of the '868 Patent and the '502 Patent;

d. A judgment and order requiring Verizon to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;

e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against Verizon; and

f. Any and all other relief as the Court may deem appropriate and just under the

circumstances.

JURY DEMAND

Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: April 5, 2024

Respectfully submitted,

/s/ Marc Fenster

Marc Fenster

CA State Bar No. 181067

Email: mfenster@raklaw.com

Reza Mirzaie

CA State Bar No. 246953

Email: rmirzaie@raklaw.com

Brian Ledahl

CA State Bar No. 186579

Email: bledahl@raklaw.com

Ben Wang

CA State Bar No. 228712

Email: bwang@raklaw.com

Dale Chang

CA State Bar No. 248657

Email: dchang@raklaw.com

Paul Kroeger

CA State Bar No. 229074

Email: pkroeger@raklaw.com

Neil A. Rubin

CA State Bar No. 250761

Email: nrubin@raklaw.com

Kristopher Davis

CA State Bar No. 329627

Email: kdavis@raklaw.com

James S. Tsuei

CA State Bar No. 285530

Email: jtsuei@raklaw.com

Philip Wang

CA State Bar No. 262239

Email: pwang@raklaw.com

Amy Hayden

CA State Bar No. 287026

Email: ahayden@raklaw.com

James Milkey

CA State Bar No. 281283

Email: jmilkey@raklaw.com

Peter Tong

TX State Bar No. 24119042

Email: ptong@raklaw.com

James Pickens

CA State Bar No. 307474

Email: jpickens@raklaw.com

Jason M. Wietholter

CA State Bar No. 337139
Email: jwietholter@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474

**ATTORNEYS FOR PLAINTIFF AND
COUNTERCLAIM-DEFENDANT,
Headwater Partners II LLC**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 5th day of April 2024 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster

Marc Fenster